

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

CHELSEA CHANEY,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.
v.)	
)	
FAYETTE COUNTY SCHOOL DISTRICT))	_____
and CURTIS R. CEARLEY,)	
)	
Defendants.)	

**DEFENDANT FAYETTE COUNTY SCHOOL DISTRICT’S MOTION TO
DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF
CAN BE GRANTED PURSUANT TO RULE 12(b)(6) OF THE FEDERAL
RULES OF CIVIL PROCEDURE**

COME NOW Defendant Fayette County School District (hereafter “School District”) and Defendant Curtis R. Cearley solely in his official capacity and move for dismissal of Plaintiff’s Complaint for the reason that it fails to state a claim for the violation of any federal law or constitutional right upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The School District and Defendant Cearley in his official capacity further contend that all of the state tort claims that Plaintiff’s Complaint purports to bring against the

School District and Defendant Cearley in his official capacity are barred by the doctrine of sovereign immunity provided by Georgia's Constitution.

The grounds for this motion are set forth in the accompanying Brief in Support of Defendant's Motion to Dismiss.

Respectfully submitted this 24th day of May, 2013.

HARBEN, HARTLEY & HAWKINS, LLP

s/Phillip L. Hartley

Phillip L. Hartley

Georgia Bar No. 333987

Hieu M. Nguyen

Georgia Bar No. 382526

ATTORNEYS FOR DEFENDANT
FAYETTE COUNTY SCHOOL DISTRICT

Wells Fargo Center, Suite 750
340 Jesse Jewell Parkway
Gainesville, Georgia 30501
Phone: (770) 534-7341
Fax: (770) 532-0399
Email: phartley@hhhlawyers.com
hnguyen@hhhlawyers.com

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of May, 2013, I electronically filed the *Defendant Fayette County School District's Motion to Dismiss for Failure to State a Claim upon which Relief Can Be Granted Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure* with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record: N/A.

I hereby certify that I have mailed by United States Postal Service the document to the following attorneys of record:

Paul F. Wellborn, III
Jamie P. Woodard
Wellborn, Wallace & Woodard, LLC

1175 Peachtree St., NE
100 Colony Square, Suite 300
Atlanta, Georgia 30361

Matthew Moffett
Jennifer M. Guerra
Gray, Rust, St. Amand, Moffett & Brieske, LLP
1700 Atlanta Plaza
950 East Paces Ferry Road
Atlanta, Georgia 30326

This 24th day of May, 2013.

HARBEN, HARTLEY & HAWKINS, LLP

s/Phillip L. Hartley

Phillip L. Hartley
Georgia Bar No. 333987

ATTORNEY FOR DEFENDANT
FAYETTE COUNTY SCHOOL DISTRICT

Wells Fargo Center, Suite 750
340 Jesse Jewell Parkway
Gainesville, Georgia 30501
(770) 534-7341
Fax: (770) 532-0399
Email: phartley@hhhlawyers.com